

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0090-01
Bill No.: SB 110
Subject: Abortion; Health Care; Health Care Professionals; Health Department; Hospitals;
Medical Procedures and Personnel; Physicians; Vital Statistics
Type: Original
Date: February 11, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Less than \$91,833)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$91,833)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator, Missouri Department of Conservation, Missouri Consolidated Health Care Plan, Department of Insurance, and Department of Social Services** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Highway and Transportation (DHT) and Department of Public Safety - Missouri State Highway Patrol** state that this legislation changes the individual abortion report requirements and establishes a civil action for violation of a state statute relating to the confidentiality of medical records. DHT assumes this proposal does not require coverage of any health care benefits and assuming DHT employees will never violate the confidentiality of an individual's medical information, this proposal will have no fiscal impact on the Highway & Patrol Medical Plan. However, DHT assumes if one employee error occurs, DHT may incur additional expenses/liabilities.

Officials from the **Department of Health and Senior Services (DOH)** stated the Genesis Corporation was contacted regarding a cost estimate to add additional procedures and reasons question to ITOPS software. Additional screen would need to be added to ITOPS. Their estimate was approximately \$8,500. It would be a one-time cost.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** did not respond to Oversight's request for a fiscal impact statement.

Oversight assumes there would be substantial compliance with the provisions of the legislation. However, if persons are convicted under the new provisions of the bill there could be additional costs for supervision and incarceration. Oversight assumes the proposal would create a minimal fiscal impact of less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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GENERAL REVENUE

Costs - Department of Health and Senior Services

Equipment and Expenses - Software Upgrade	(\$8,500)	\$0	\$0
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Costs - Department of Corrections

Additional commitments and parole supervision	<u>(Less than \$83,333)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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NET ESTIMATED EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$91,833)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal details information to be included in physician abortion reports.

Section 188.015, RSMo, is modified to include a definition for the Department of Health and Senior Services and language allowing interpretation of the definitions is removed. Currently, Section 188.052, RSMo, requires a physician to submit an abortion report for each abortion performed. New language specifies that the report shall include, but not be limited to, the following:

Information required by federal reports and organizations, such as the Centers for Disease Control and Prevention; information regarding the type of procedure used to perform the abortion; and specific reasons the woman sought the abortion.

Physician must currently submit an individual complication report for post-abortion care. In addition, the Department is responsible for annually publishing a statistical report. New language requires the report to include data on abortions or induced and post-abortion care. The report must contain the gestational age by weekly increments at which the abortions were performed. The report must not include any information that would allow the identification of a patient, physician, or hospital or abortion facility.

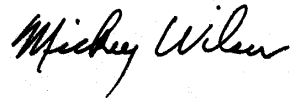
Currently, Section 188.070, RSMo, provides for a misdemeanor for violation of confidentiality. New language increases the penalty to a Class D felony for any person who knowingly violates the confidentiality of records, reports, or documents maintained by the abortion facility or hospital or received by the Department of Health and Senior Services. A new Section 191.655 is also added to allow an action for breach of medical record confidentiality, if not otherwise provided for. Damages, court costs, attorney's fees, and other relief are allowed for negligent, willful, intentional, or reckless violation of such confidentiality.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Highway and Transportation
Department of Health and Senior Services
Missouri Consolidated Health Care Plan
Department of Insurance
Department of Conservation
Department of Public Safety -
Missouri State Highway Patrol

NOT RESPONDING:
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 11, 2003